

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

**TEMPORARY RESTRAINING
ORDER and ORDER TO SHOW
CAUSE**

10-CV-5180 (RRM) (SMG)

-against-

NY GOURMET SALADS, INC., a corporation,
CRYSTAL SALADS, INC., a corporation,
LEONARD F. SPADA, an individual, and
PASQUALE PETRUZZO, an individual,

Defendants.

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MAUSKOPF, United States District Judge.

On November 10, 2010, on application of the United States, the Honorable John Gleeson, United States District Judge,¹ issued a Temporary Restraining Order (“TRO”), a copy of which is attached hereto. The TRO temporarily enjoins Defendants, and all of their directors, officers, agents, servants, representatives, employees, successors or assigns, and all persons in active concert or participation with them, directly or indirectly, from processing, offering for sale, and selling and transporting within the State of New York or in commerce, uninspected “Poultry Products” and “Meat Products” (as those terms are defined in 21 U.S.C. § 453(f) and 21 U.S.C. § 601(j), respectively) required to be inspected and passed by the United States Department of Agriculture. The TRO further directs that Defendants, and all of their directors, officers, agents, servants, representatives, employees, successors or assigns, and any and all persons in active concert or participation with any of them, directly or indirectly:

¹ This case was thereafter reassigned to this Court as related to *United States v. NY Gourmet Salads, Inc.*, et. al., No. 10-CV-3512 (RRM) (SMG).

- (1) produce any and all invoices which evidence the sale of Poultry and Meat Product by NY Gourmet or Crystal to any retail establishment from November 2009 to the present;
- (2) issue a Class I Recall for any and all Poultry and Meat Product which Defendants have reason to believe are currently in commerce; and
- (3) to comply with the requirements of the Poultry Products Inspection Act, 21 U.S.C. § 451 *et seq.*, and the Federal Meat Inspection Act, 21 U.S.C. § 601 *et seq.*, and the regulations promulgated thereunder.

Judge Gleeson also issued an Order to Show Cause directing Defendants to appear on November 19, 2010 to show cause why a Preliminary Injunction should not be issued. Copies of the TRO and Order to Show Cause were personally served on all Defendants. (*See* Doc. No. 14.)

At a hearing held before this Court on November 19, 2010, Individual Defendants Leonard F. Spada and Pasquale Petruzzio appeared *pro se*; neither NY Gourmet Salads, Inc., nor Crystal Salads, Inc. appeared through counsel. At that time, this Court advised the Individual Defendants that they could appear *pro se*, but that, as corporate entities, NY Gourmet Salads, Inc. and Crystal Salads, Inc. could appear in this action only through counsel. The Court extended the TRO to afford NY Gourmet Salads, Inc. and Crystal Salads, Inc., as well as the Individual Defendants, the opportunity to obtain counsel. Pursuant to Federal Rule of Civil Procedure 65(b)(2), the Court hereby ORDERS that:

1. The aforesaid TRO, a copy of which is attached hereto, shall be extended for an additional 14-day period from today;
2. Defendants shall show cause why a Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65 should not be granted at a hearing to be held on December 1, 2010 at 3:00 p.m. in Courtroom 6A;
3. Any Defendant wishing to file papers in opposition to the United States' application for preliminary injunctive relief shall so do by November 26, 2010;

4. Any Defendant wishing to call witnesses or cross examine witnesses called by the United States at the December 1, 2010 hearing shall so notify this Court in writing by November 26, 2010;
5. Defendants shall provide notice of this Order, together with a copy of the attached TRO, in the following manner upon entry of this Order:
 - a. Provide a copy of this Order, together with the attached TRO, personally, or when necessary, by certified mail, return receipt requested, to each of their officers, agents, employees, successors, assigns, attorneys, and any persons in active concert of participation with any of them; and
6. The United States shall personally serve a copy of this TRO on Defendants and file proof of service via ECF.

SO ORDERED.

Dated: Brooklyn, New York
November 19, 2010

/s/

ROSLYNN R. MAUSKOPF
United States District Judge